

**Maryland Board of Pharmacy**  
**Public Meeting**  
**Revised Minutes**

**Date: October 19, 2011**

| Name                    | Title                                     | Present | Absent | Present | Absent |
|-------------------------|---|---------|--------|---------|--------|
| Bradley-Baker, L.       | Commissioner                              | X       |        | 3       | 1      |
| Chason, D.              | Commissioner                              | X       |        | 4       | 0      |
| Finke, H.               | Commissioner                              | X       |        | 4       | 0      |
| Gavgani, M. Z.          | Commissioner                              | X       |        | 2       | 2      |
| Hammonds, S.            | Commissioner                              | X       |        | 2       | 0      |
| Handelman, M.           | Commissioner                              |         | X      | 3       | 1      |
| Israbian-Jamgochian, L. | Commissioner/Treasurer                    | X       |        | 4       | 0      |
| Matens, R.              | Commissioner                              | X       |        | 3       | 1      |
| Souranis, M.            | Commissioner//President                   | X       |        | 4       | 0      |
| St. Cyr, II, Z. W.      | Commissioner                              | X       |        | 4       | 0      |
| Taylor, D.              | Commissioner                              | X       |        | 4       | 0      |
| Taylor, R.              | Commissioner/Secretary                    | X       |        | 2       | 2      |
|                         |   |         |        |         |        |
| Bethman, L.             | Board Counsel                             | X       |        | 4       | 9      |
| Felter, B.              | Staff Attorney                            | X       |        | 4       | 0      |
|                         |   |         |        |         |        |
| Naesea, L.              | Executive Director                        | X       |        | 3       | 1      |
| Wu, Y.                  | Compliance Manager                        | X       |        | 3       | 1      |
| Daniels, D              | Licensing Manager                         | X       |        | 4       | 0      |
| Gaither, P.             | Administration and Public Support Manager | X       |        | 3       | 1      |
| Jeffers, A.             | Legislation/Regulations Manager           | X       |        | 4       | 0      |
|                         |   |         |        |         |        |

| Subject                                 | Responsible Party                      | Discussion   | Action Due Date (Assigned To) | Results |
|---|--|--|-------------------------------|---------|
| <b>I. Executive Committee Report(s)</b> | <b>A. M. Souranis, Board President</b> | <p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> <li>1. M. Souranis called the Public Meeting to order at 9:40 a.m.</li> <li>2. M. Souranis requested all meeting attendees to introduce themselves and to remember to sign the guest log before they leave the meeting.</li> </ol> |                               |         |

| Subject                              | Responsible Party                 | Discussion  | Action Due Date (Assigned To)  | Results                   |
|--------------------------------------|-----------------------------------|---|--|---------------------------|
|                                      | <b>B. R. Taylor<br/>Secretary</b> | <p>3. M. Souranis reported that all guests will be given packets of materials so that they can follow the meeting's agenda items and discussions. Guests are requested to return the draft packets when they leave the meeting.</p> <p>4. <b>Review &amp; Approval of Minutes of September 21, 2011</b></p>   | <p><b>4. Motion: D. Taylor made a motion to accept September 2011 minutes as prepared.</b></p> <p><b>R. Matens seconded the motion</b></p> | <b>4. Motion approved</b> |
| <b>II. Executive Director Report</b> | <b>A. L. Naesea</b>               | <p><b>1. Operations Update</b></p> <p>Acknowledgement of Kimberly France, former Compliance Officer.</p> <p>Preliminary Exposure draft of the Sunset Review was received and will be distributed to all members of the Board.</p> <p>Latoya Waddell has been selected as Administrative Specialist for the Licensing Unit.</p> <p>Stephen Holmes has been selected tentatively as the Administrative Specialist of the Executive Unit.</p> <p><b>2. Meeting Updates</b></p> <p>L. Naesea attended the NABP Directors Meeting in October 2011, a networking opportunity for Directors to come together</p> |  |                           |

| Subject | Responsible Party | Discussion  | Action Due Date (Assigned To) | Results |
|---------|-------------------|---|-------------------------------|---------|
|         |                   | <p>and share experiences.</p> <p>Items discussed were:</p> <ul style="list-style-type: none"> <li>*Internet Pharmacies</li> <li>*PBM's</li> <li>*North Carolina Dentistry Board law suit</li> <li>*Technology progress and products</li> <li>*Automating Dispensing and Virtual Distributors</li> <li>*Shared State Topics</li> </ul> <p>Meeting with Chairman Hammonds attended by L. Naesea, A. Jeffers, R. Taylor, M. Souranis, D., Chason, S. Hammonds, L. Israbian-Jamgochian</p> <p>L. Bradley-Baker attended the Maryland Minority Health Disparities Conference. The session focused on strengthening the pipeline for MD healthcare workers and included sessions on cultural competency and health literacy training.</p> <p>The Board of Physicians meeting was attended by the Executive Committee, other Board Commissioners, and members of the public to discuss Drug Therapy Management concerns.</p> <p>R. Taylor shared the following regarding the meeting:</p> <p>The meeting was about a specific applicant about a specific protocol but a lot of general questions/concepts were brought up by members of the Physicians Board. There appears to be a general lack of understanding of Drug Therapy Management by members of the Physician Board. The pharmacist applicant and physician partner discussed the reasons for their partnership and members of the Pharmacy community were there to</p> |                               |         |

| Subject                                     | Responsible Party             | Discussion   | Action Due Date (Assigned To) | Results |
|---|-------------------------------|--|-------------------------------|---------|
|   |                               | support Drug Therapy Management.   |                               |         |
| <b>B. Administration and Public Support</b> | <b>B. P. Gaither, Manager</b> | <p><b>1. Personnel Updates : Vacancies and Recruits</b></p> <p>Both Administrative Specialists have been filled.</p> <p>Pharmacist Inspector recruitment is open and applications are being received.</p> <p>There are vacancies in the Licensing and APS Units for office secretaries, currently occupied by temporary employees</p> <p><b>2. Contracts and Procurement</b></p> |                               |         |
| <b>C. MIS</b>                               | <b>L. Naesea</b>              | <p><b>Database Implementation Project</b></p> <p>RCI Contract will be extended with JB Bozek as of November 1.</p> <p>Interviews for the MIS project were conducted and a selection has been made.</p> <p>Online Pharmacy Renewals to begin on October 20. A review of the process for Waiver Pharmacies needs to be reviewed and approved.</p>                                  |                               |         |
| <b>D. Licensing</b>                         | <b>D. Daniels, Manager</b>    | <p><b>Licensing Unit Updates:</b></p> <p>Monthly Statistics</p> <p>8857 Pharmacists licensed</p> <p>2492 Vaccination certificates approved</p> <p>7996 Pharmacy Technicians registered</p> <p>0 Pharmacy Technician Programs approved</p> <p>1783 Pharmacy Permits, 21 new</p> <p>8 New drug repositories</p> <p>807 Wholesale Distributors</p>                                  |                               |         |
| <b>E. Compliance</b>                        | <b>Y. Wu, Manager</b>         | <p><b>1. Inspection Program Report</b></p> <p>20 complaints received</p> <p>119 inspections; 110 annual inspections, 6 opening inspections</p>   |                               |         |

| Subject                      | Responsible Party | Discussion   | Action Due Date (Assigned To) | Results |
|------------------------------|-------------------|--|-------------------------------|---------|
|                              |                   | <p>4 closing inspections performed by Division of Drug Control</p> <p>2. PEAC Update- Tony Tommasello</p> <p>Tony Tommasello was not in attendance, information given by Y. Wu.</p> <p>20 clients being monitored by PEAC; 18 pharmacists, 1 technician</p>  |                               |         |
| F. Legislation & Regulations | A. Jeffers        | <p>1. Status of Proposed Regulations</p> <p>10.34.14 Opening and Closing of Pharmacies</p> <p>Submitted to DHMH for sign-off and publication on October 4, 2011.</p> <p>10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities</p> <p>Submitted to DHMH for sign-off and publication on September 14, 2011.</p> <p>Internal comment received from DDC:</p> <p><b><u>Internal comment from DDC Fwd Re Regs comments - COMAR 10.34.23</u></b></p> <p>Board approval requested for the following response:</p> <p><b><u>DRAFT Bd Response - DDC - 10.34.23</u></b></p> <p>10.34.25 Delivery of Prescriptions</p> |                               |         |

| Subject | Responsible Party | Discussion   | Action Due Date (Assigned To) | Results |
|---------|-------------------|--|-------------------------------|---------|
|         |                   | <p>Anticipated to be published on October 21, 2011.</p> <p><b>10.34.28 Automated Medication Systems</b><br/>Submitted to DHMH for sign-off and publication on September 16, 2011.<br/>Anticipated to be published December, 2.</p> <p><b>10.34.32 Pharmacist Administration of Vaccinations</b><br/>Submitted Emergency proposal with requested effective date of October 1, 2011. AELR to vote October 13, 2011. Proposal anticipated to be published on November 4, 2011.</p> <p><b>10.34.32 Pharmacist Administration of Vaccinations – inclusion of travel vaccines</b> Meeting held on August 31, 2011. Board of Nursing approved, except for tetanus. The Board will provide additional information on boosters. Board of Physicians also requested additional information.</p> <p><b>10.34.33 Prescription Drug Repository Programs</b><br/>A Board Subcommittee is waiting for the promulgation of the federal regulations this fall. Meeting held with the Attorney General's Office on September 28, 2011. It was recommended to have a simple drop off box for those pharmacies that only want to dispose. The Board will give this full consideration when drafting the regulations.</p> <p><b>10.34.35 Infusion Pharmacy Services in an Alternate Site Care Environment</b></p> |                               |         |

| Subject | Responsible Party | Discussion  | Action Due Date (Assigned To) | Results |
|---------|-------------------|---|-------------------------------|---------|
|         |                   | <p>Notice of Final Action anticipated to be published with Effective Date of March 1, 2012.</p> <p><b>10.34.36 Pharmaceutical Services to Residents in Assisted Living Facilities</b></p> <p>Subcommittee to meet.</p> <p><b>-next week</b></p> <p><b>10.13.01 Dispensing of Prescription Drugs by a Licensee</b></p> <p>-Sara Fidler, Counsel for EHE, indicated that Senator Joan Carter Conway wanted the Boards to meet and let her know what cannot be resolved.</p> <p>Meeting held October 12, 2011 at 10 am.</p> <p><b>Agreement among the Boards was met on the following safety issues:</b></p> <p>I. The applicant should comply with the statutes and regulations governing the dispensing of prescription drugs which include:</p> <ul style="list-style-type: none"> <li>A. Storage of prescription drugs;</li> <li>B. Security of prescription drug inventory;</li> <li>C. Removal of expired drugs from prescription drug inventory;</li> <li>D. Safeguards against diversion;</li> <li>E. Compliance with controlled dangerous substance regulations;</li> <li>F. Standards of practice for unlicensed personnel;</li> <li>G. Restrictions for Repackaging;</li> <li>H. Compliance with child resistant packaging;</li> <li>I. Maintenance of biennial inventories for controlled dangerous substances;</li> <li>J. Compliance with drug recalls; and</li> <li>K. Maintain records of medication errors.</li> </ul> <p>II. The Board of Dental Examiners, the Board of Physicians, or the Board of Podiatric Medical Examiners should notify the Division of Drug Control, or another agent of the Secretary, of licensees approved to dispense.</p> <p>III. Each permit issued to a licensee shall be for a specific location and is non-</p> |                               |         |

| Subject | Responsible Party | Discussion   | Action Due Date (Assigned To) | Results |
|---------|-------------------|--|-------------------------------|---------|
|         |                   | <p>transferable.</p> <p>IV. The dentist, physician and podiatrist shall verify the licensure of the person from whom the dentist, physician, or podiatrist purchases prescription drugs or prescription devices.</p> <p>V. A licensee shall submit to an inspection with the Division of Drug Control, or another agent of the Secretary, <u>within 6 months</u> of the issuance of a permit by the appropriate Board.</p> <p><b>Agreement was not met on mandatory annual inspections by DDC or the 10 mile radius requirement.</b></p> <p><b>Board President, M. Souranis shared his opinion of the Maryland Board of Physicians and the Executive Director, Irving Pinder based on is own interaction he was “disappointed and appalled to see a person in his capacity as the Executive Director of the Physician’s Board have such a lack of respect and a lack of professional decorum by trying to create such a hostile environment by being so antagonistic and arrogant while bellowing out questions and even answers to his own questions, self serving and making assertions and allegations that this Board is committing an anti-trust act by the mere fact of it’s role and exercise of it’s right to keep Marylanders safe. This Board seeks strongly that allowing the dispensing of medications by licensees other than pharmacists, absent the requirements placed on pharmacists in the practice of pharmacy poses a significant risk to the safety of patients. His outright denial that there are no problems, no problems exist, that no one</b></p> |                               |         |



| Subject | Responsible Party | Discussion  | Action Due Date (Assigned To) | Results |
|---------|-------------------|---|-------------------------------|---------|
|         |                   | <p>has committed any violations, that we would never have the Board of Pharmacy inspect physicians because the pharmacists are not physicians, that the Board never sent them any complaints, that the DDC did not send them any complaints, making the statement that ‘His association, Medcog’ would sue us. He really refused to listen, he was always trying to interrupt, or distract. He used the word ‘damn’ in a derogatory manner many times, and these are just a few things exhibited in the presence of Sarah Fidler, who was sent by Senator Jill Carter-Conway, just to be an observer and in the end she ended up mediating the meeting. So this is the tone. Truly he spoke with ignorance of the true and precarious situation with respect to dispensing in this state and I make this statement by myself, it may not reflect the views of members of this Board, then again it may but that’s the disclaimer that I wanted to add here at the end. Thank you.”</p> <p>H. Finke confirmed the statements made by M. Souranis. He also included that based on 400 inspections performed by DDC; there are 75 violations that have not yet been addressed.</p> <p>Z. ST. Cyr II, expressed his disturbance by the comments made by M. Souranis and H. Finke regarding the Board of Physicians. He would like to know if there are sanctions in the law so that there can be some recourse the violations not being addressed ultimately for protection of Maryland residents.</p> <p>L. Naesea responded with a statement made by Mr. Pinder that the concerns were reviewed and everything was corrected during follow up</p> |                               |         |

| Subject   | Responsible Party       | Discussion   | Action Due Date (Assigned To)  | Results         |
|---|-------------------------|--|--|-----------------|
|   |                         | <p><b>inspections by DDC.</b></p> <p>Sara Fidler will draft regulations for issues that can be appropriately placed in regulations and draft legislation for issues to be decided by the legislature.</p> <p><b>2. Legislation Update:</b></p> <p><b>Does the Board approve seeking private sponsorship for the following legislation:</b></p> <p><b>Health Occupations – Wholesale Distributors - Criminal Background Checks and Inspections</b></p> <p>Part of DHMH packet.</p> <p><b>Health Occupations – Board of Pharmacy – Jurisdiction Over Non-resident Pharmacies</b></p> <p>Unclear if part of DHMH packet at this point in time.</p> <p><b>Health Occupations - Pharmacy – Dispensing Prescribers</b></p> <p>Not part of DHMH packet and there is a strong likelihood of opposition</p> |  |                 |
| <b>III. Committee Reports</b><br><br><b>A. Practice Committee</b> | <b>H. Finke, Chair,</b> | <p><b>1. Letter for Board Approval</b></p> <p>Carey Reilly, Target</p> <p><u><b>Question about AG rated generics</b></u></p> <p><u><b>DRAFT Bd Response - AG rated generics</b></u></p>  | <p><b>Motion:</b><br/> <b>H. Finke makes a motion for approval</b></p> | <b>Approved</b> |

| Subject                | Responsible Party | Discussion  | Action Due Date (Assigned To)  | Results   |
|------------------------|-------------------|---|--|---|
|                        |                   |   | of Board's drafted response. Seconded by D. Chason   |   |
| B. Licensing Committee | D. Chason Chair,  | <p><b>1. Review of Pharmacist Applications:</b></p> <ul style="list-style-type: none"> <li>Pharmacist challenge of denial of submission of Live CEUs Draft Board Response</li> </ul> <p><b>2. Review of Pharmacy Technician Applications: None</b></p> <p><b>3. Review of Distributor Applications:</b></p> <p><b>4. Review of Repository/Drop Off Site Applications:</b></p> <ul style="list-style-type: none"> <li>Catonsville Pharmacy Wishes to become a repository and drop-off site. Recommendation is approval.</li> <li>Jarrettsville Pharmacy – recommendation is approval upon submission as repository and drop-off</li> </ul> | <p>1. Motion:</p> <p>D. Chason made a motion to approve letter drafted by B. Felter be sent to the pharmacist.</p> <p>4. Motion:</p> <p>D. Chason made a motion to approve Catonsville Pharmacy as drug repository and drop-off site.</p> <p>Seconded by D. Taylor</p> <p>D. Chason made a motion to approve Jarrettsville Pharmacy pending the resubmission of the application.</p> <p>Seconded by H. Finke</p> | <p>1.Approved</p> <p>Approved</p> <p>Approved</p> |

| Subject | Responsible Party | Discussion   | Action Due Date (Assigned To)  | Results         |
|---------|-------------------|--|--|-----------------|
|         |                   | <p><b>5. Review of Pharmacy Technicians Training Programs: James Pharmacy</b></p>  | <p>5. Motion:</p> <p>D. Taylor made a motion to approve Pharmacy Technician Training Program for James Pharmacy</p> <p>Seconded by D. Chason</p> | <p>Approved</p> |
|         |                   | <p><b>6. Old Business</b></p> <ul style="list-style-type: none"> <li><b>D. Taylor suggests audit candidates be notified why they are locked out of system – recommend Michele create a pop-up explanation in system</b></li> </ul> | <p>6.</p> <ul style="list-style-type: none"> <li>Motion by D. Taylor to approve pop-up in online system.</li> </ul> <p>Seconded by R. Taylor</p> | <p>Approved</p> |
|         |                   | <ul style="list-style-type: none"> <li><b>Recommend PBJ be approved at the Licensing Committee level rather than come to the Board – to be approved by Chair and Manager</b></li> </ul>  | <ul style="list-style-type: none"> <li>Committee recommends approval</li> </ul> <p>Second by R. Taylor</p>                                       | <p>Approved</p> |
|         |                   | <ul style="list-style-type: none"> <li><b>Recommend approval of CHAP as accrediting agency for medical gases</b></li> <li><b>Community Health Accreditation Program</b></li> </ul>   | <ul style="list-style-type: none"> <li>Committee recommends</li> </ul>   |                 |

| Subject | Responsible Party | Discussion   | Action Due Date (Assigned To)  | Results  |
|---------|-------------------|--|--|--|
|         |                   | <p>7. New Business</p> <ul style="list-style-type: none"> <li>Licensing of Pharmacy School Practice labs: recommend approval if run by a pharmacist, there is no actual dispensing of drugs, no purchasing of drugs from Maryland wholesale distributors, no CDS and must have pharmacist on staff for oversight of lab</li> <li>Need recommendation from the Board regarding New software testing for pharmacies to volunteer during the trial period –</li> <li>Mechanism has been put in place for such cash deposits in lieu of a letter of Trust – can we accept applicant's form?</li> </ul> <p>Items not included on the agenda</p> <ul style="list-style-type: none"> <li>Physician requested application for a pharmacy license specifically indicating there would be no pharmacist associated with the program. The committee would like approval to use the standard letter developed by A. Jeffers that indicates that a physician can't own a pharmacy in Maryland.</li> <li>On organization is requesting that they not be VAWD accredited because they provide medical device convenience kits. The kits they provide sometimes contain drugs and the committee believes that they should be VAWD accredited.</li> </ul> | <p>approval</p> <p>Seconded by H. Finke</p> <p>7.</p> <ul style="list-style-type: none"> <li>Committee recommends that license is not required.</li> </ul> <p>Seconded by R. Matens</p> <ul style="list-style-type: none"> <li>Discussion</li> <li>Tabled by D. Chason</li> </ul> <p>Committee recommends letter be sent to applicant</p> <p>Seconded by R. Matens</p> <ul style="list-style-type: none"> <li>Committee recommends VAWD accreditation</li> </ul> | <ul style="list-style-type: none"> <li>Approved</li> <li>Approved</li> <li>Approved</li> <li>Approved</li> </ul> |

| Subject                              | Responsible Party               | Discussion  | Action Due Date (Assigned To) | Results  |
|--------------------------------------|---------------------------------|---|-------------------------------|----------|
|                                      |                                 |   | Seconded by H. Finke          |          |
| C. Public Relations Committee        | L. Bradley-Baker<br>Chair       | <p>1. Newsletter</p> <p>Fall newsletter is currently being mailed out and the Winter newsletter should be distributed by December.</p> <p>2. CE Training</p> <p>Summary of October CE breakfast by L. Bradley-Baker.<br/>Commendation for D. Taylor by L. Naesea for his presentation at the October CE breakfast.<br/>Acknowledgement of Reid Zimmer, former Board Commissioner by M. Souranis, for his work on the Board and appearance at the October CE breakfast.</p>  |                               |          |
| D. Disciplinary                      | L. Israbian-Jamgochian<br>Chair | Committee Updates   |                               |          |
| E. Emergency Preparedness Task Force | D. Taylor<br>Chair              | <p>Task Force Updates: Pharmacy was recognized as an integral part of Emergency Preparedness in Maryland at the October CE breakfast. Committee members met with personnel to start the planning process for the upcoming year. CDC has reorganized districts, Maryland has been removed from the Capital Region.</p> <p>NABP wrote a letter to the DEA asking what information could be changed on a Schedule II prescription. The DEA responded that pharmacist should use professional judgment and knowledge of state and federal laws.</p> <p>The following underlined language was omitted from the October 19, 2011 minutes and was approved at the December 21, 2011 Public Board Meeting: <u>The Board voted to allow pharmacists in Maryland, after verification with the prescriber and documentation, to make changes on Schedule II prescriptions, except the pharmacist is never permitted to make changes to the patient's name, controlled substance prescribed (except for generic substitution permitted by state law) or the</u></p> |                               | Approved |

| Subject                             | Responsible Party                              | Discussion  | Action Due Date (Assigned To)   | Results         |
|-------------------------------------|--|---|---|-----------------|
|                                     |  | <u>prescriber's signature.</u>  |   |                 |
| <b>F. Drug Therapy Management</b>   | <b>Rodney Taylor<br/>Co-Board Representat.</b> | .   |   |                 |
| <b>IV. Other Business &amp; FYI</b> | <b>M. Souranis<br/><br/>R. Matens</b>          | <p>1. FYI – D. Taylor</p> <p>Maryland Medicaid Pharmacy Program Advisory #98</p> <p>2. Board Retreat Update</p> <p>Retreat will be held on November 2 and 3. Both days are mandatory for all staff members. Wednesday is mandatory for Board members.</p>   |   |                 |
| <b>V. Adjournment</b>               | <b>M. Souranis,<br/>Board President</b>        | <p>The Public Meeting was adjourned at __11:28 A.M.__.</p> <p>At _____ P.M. M. Souranis convened a Closed Public Session to conduct a medical review of technician applications.</p> <p>C. The Closed Public Session was adjourned at _____ P.M. Immediately thereafter, M. Souranis convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p> | <p><b>Motion:</b><br/>M. Souranis motioned the Public Meeting be adjourned at 11:28 a.m.<br/><b>Seconded by R. Matens</b></p> | <b>Approved</b> |